

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Tallen Marce' Fleming, Jr.,

Plaintiff,

v.

Case No. 08-14416

United States Department of Justice, Honorable Sean F. Cox

Defendant.

ORDER

Acting *pro se*, Plaintiff Tallen Marce' Fleming, Jr. ("Plaintiff") filed this action on October 17, 2008. On May 1, 2009, Defendant filed a Motion to Dismiss, wherein it asserts that this Court should dismiss this action pursuant to FED. R. CIV. P. 12(b)(1) for lack of subject matter jurisdiction or, alternatively, dismiss this action pursuant to FED. R. CIV. P. 12(b)(6) for failure to state a claim upon which relief can be granted.

On May 11, 2009, Plaintiff filed a written response to the Motion to Dismiss wherein he states that he does not contest Defendant's objection that this Court lacks subject matter jurisdiction. Plaintiff further states that this case "should be closed with prejudice." (Docket Entry No. 21).

Accordingly, **IT IS ORDERED** that this action is hereby **DISMISSED FOR LACK OF SUBJECT MATTER JURISDICTION.**

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: August 17, 2009

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PROOF OF SERVICE

I hereby certify that on August 17, 2009, a copy of the foregoing document was served upon counsel of record by electronic means and by First Class Mail upon:

Tallen Marce' Fleming, Jr
660 Seward
Apartment 212
Detroit, MI 48202

s/ J. Hernandez
Case Manager